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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,018	05/25/2006	Martin Wennberg	502.1257USN	1770
33369 7590 06/19/2009 FASTH LAW OFFICES (ROLF FASTH) 26 PINECREST PLAZA, SUITE 2 SOUTHERN PINES, NC 28387-4301				
EXAMINER				
PHAM, TIMOTHY X				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,018

Applicant(s)

WENNBERG ET AL.

Examiner

TIMOTHY PHAM

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9-10, 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (US 2004/0087373).

Regarding claim 1, Choi discloses a method for downloading data to mobile devices belonging to a mobile telecommunications network (Abstract; paragraph [0010]), comprising:

a) storing information of terminal capabilities and/or subscriber information of the mobile devices in the network (Abstract; paragraph [0011], [0013], [0037], e.g., the mobile game server contains a memory for storing the number information of the mobile terminal),

b) initiating downloading of update information to one or more mobile devices (paragraphs [0011], [0013], [0038], e.g., transmitting update information including the resultant game scores of the game played and the number information of the mobile terminal over a wireless channel upon receipt of an entry command signal),

c) forming a message with update information to be sent to said one or more mobile devices on the basis of said stored information (Fig. 12, references S127 or S128; paragraphs [0011],[0043], [0052], [0058], [0089]), and

d) downloading the formed information message to said one or more mobile devices (paragraph [0052], e.g., the mobile terminal 110 displays a predetermined message "TRANSMISSION SUCCESS" on the screen 112).

Regarding claim 2, Choi discloses the method of claim 1 above, wherein the information of terminal capabilities includes standards, technologies, bandwidth constraints, mobile application characteristics, and/or network functionality (paragraphs [0013], [0044], [0078], e.g., The online game server 150 determines whether the resultant game score of the update information having been received from the online game server 150 has been successfully applied or recorded in the character, and transmits update result information indicating the result of the character application to the mobile game server 140).

Regarding claim 3, Choi discloses the method of claim 2 above, wherein the network functionality information includes information about the download protocol used, gateways, towers and access links that are dependent on an organization's use of network protocols, application logic and device access, open Internet standards and protocols, extent of wireless networks coverage, cost factors, uniform/spotty coverage, data transmission speed, security concerns, time taken to service requests, and authentication capabilities (Fig. 14, reference 137; paragraphs [0064], [0066], e.g., the authentication server 137 receives the number information of the mobile terminal 110

from the mobile game server 130, determines presence or absence of ID information corresponding to the received number information, and determines whether it permits an access request of the mobile terminal 110).

Regarding claim 4, Choi discloses the method of claim 2 above, wherein the application characteristics includes form factors, area sizes, browser capabilities, languages supported, available input methods, text coverage, graphics support expandability options and slots, push technology support, ruggedness, information storage capability, adding new data to the devices, device performance calculations and logic (paragraph [0044], e.g., the level information X may include a variety of factors, for example, reputation information X1, power or force information X2, endurance or patience information X3, skill degree information X4, physical strength information X5, secret ability X6, amount of data X7 of the character, etc.).

Regarding claim 5, Choi discloses the method of claim 1 above, wherein the subscriber information includes information about which terminal a subscriber has, what data is downloaded on different devices (paragraphs [0012], [0057], [0063]), and information about subscription and what information a subscriber wants to have about new applications and updates (paragraph [0057], [0063], e.g., If the downloaded game is executed by a predetermined command signal (played) at step S112, the mobile terminal 110 determines whether a predetermined signal for selecting the MENU command 114b is entered while in the game at step S113).

Regarding claim 9, Choi discloses the method of claim 1 above, wherein downloading of update information is initiated by the user requesting data (paragraphs [0037], [0054], [0066]).

Regarding claim 10, Choi discloses the method of claim 1 above, wherein downloading of update information is initiated by a terminal switch (Fig. 4; paragraph [0047]).

Regarding claim 12, Choi discloses a network for downloading data to mobile devices, comprising;

mobile devices (Fig. 1, reference 110) and a mobile telecommunications network (Fig. 1) to which the mobile devices belong, and a repository containing information of terminal capabilities and/or subscriber information of the mobile devices in the network (Abstract; paragraph [0011], [0013], [0037], e.g., the mobile game server contains a memory for storing the number information of the mobile terminal).

Claim 13 is rejected with the same reasons set forth in claim 2.

Claim 14 is rejected with the same reasons set forth in claim 3.

Claim 15 is rejected with the same reasons set forth in claim 4.

Claim 16 is rejected with the same reasons set forth in claim 5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Andreakis et al. (hereinafter "Andreakis"; US 2002/0138545).

Regarding claim 6, Choi discloses the method of claim 1 above, fails to specifically disclose wherein the address of the message to be downloaded is based on the location of the mobile device(s).

However, Andreakis discloses the address of the message to be downloaded is based on the location of the mobile device (paragraph [0017]).

Therefore, taking the teachings of Choi in combination of Andreakis as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to address of the message to be downloaded is based on the location of the mobile device in order to allow the mobile station to conduct full capability negotiations with the service provider (Andreakis: paragraph [0006]).

5. Claims 7-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Koskimies (US 2004/0081110).

Regarding claim 7, Choi discloses the method of claim 1 above, fails to specifically disclose wherein downloading of update information is initiated by the operator on the basis of a specific parameter value to be downloaded.

However, Koskimies discloses downloading of update information is initiated by the operator on the basis of a specific parameter value to be downloaded (paragraph [0045], e.g., with that specific serial number or unique identifier, the audio data is then downloaded to the target device 418 by way of the mobile device 400).

Therefore, taking the teachings of Choi in combination of Koskimies as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have downloading of update information is initiated by the operator on the basis of a specific parameter value to be downloaded for advantages of improving reliabilities of downloading by management.

Regarding claim 8, Choi discloses the method of claim 1 above, fails to specifically disclose wherein downloading of update information is initiated by the operator on the basis of a new version of software to be downloaded.

However, Koskimies discloses downloading of update information is initiated by the operator on the basis of a new version of software to be downloaded (paragraph [0051], e.g., allow new native code software to be downloaded and installed to the phone).

Therefore, taking the teachings of Choi in combination of Koskimies as a whole, it would have been obvious to one having ordinary skill in the art at the time of the

invention by applicant to have downloading of update information is initiated by the operator on the basis of a new version of software to be downloaded for advantages of improving reliabilities of downloading by management.

Regarding claim 11, Choi discloses the method of claim 1 above, fails to specifically disclose wherein downloading of update information is initiated by a new location of a terminal.

However, Koskimies discloses downloading of update information is initiated by a new location of a terminal (paragraph [0035], e.g., when the mobile device has been located and/or positioned to communicate with the target device).

Therefore, taking the teachings of Choi in combination of Koskimies as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have downloading of update information is initiated by a new location of a terminal for advantages of improving reliabilities of downloading by management.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/
Examiner, Art Unit 2617

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit
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